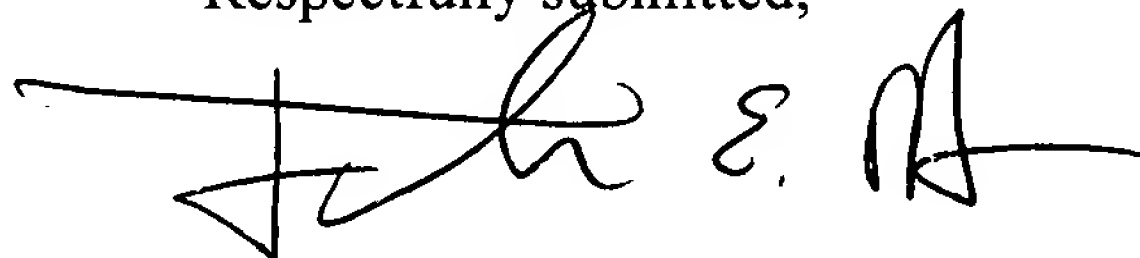


REMARKS

By way of the present amendment, new dependent Claim 40 has been added. Support for the amendments can be found throughout the specification, the original claims and in the sequence listing. *See, e.g.*, specification at page 5, line 21 through page 6, line 4. Applicants submit that no new matter enters by way of the present amendment, and that no issues requiring further search and consideration are presented as the claim depends from allowed claim 1. The claim is presented here to more fully claim the elected subject matter.¹ Moreover, dependent claim 40 is being presented here as generic claims have now been allowed. As such, entry of the present amendment is respectfully requested.

The Office is encouraged to contact the undersigned at (202) 942-5085 should any additional information be necessary.

Respectfully submitted,



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¹ Applicants wish to bring the Examiner's attention to the fact that Applicants elected restriction group I drawn to "a purified nucleic acid molecule" and that restriction group III was drawn to "a transgenic plant, seed and plant produced from seed." Office Communication mailed December 24, 2002; Paper No. 6, page 2.